

REMARKS

Claims 1-20, 68-80, 87-99, 104-44 and 146 are pending in this application, of which Claims 1, 10-12, 68-70, 87, 100, 104-107, 122-124, 141, 144 and 146 are independent claims. Claims 21-68, 81-86, 100-103, 145, 147 and 148, which have been withdrawn from consideration, have now been canceled, without prejudice or disclaimer of subject matter. Claims 1-17, 19, 20, 69, 70-80, 87-99, 104-27, 129-44 and 146 have been amended to define still more clearly what Applicant regards as his invention. It is noted that the majority of these changes are purely formal in nature, and do not in any way narrow the scope of any claim recitation.

A Substitute Specification is in preparation and will be submitted shortly, to address the Examiner's objections to the specification

Applicant notes with appreciation the allowance of Claims 1-9, 12-20 and 144, as well as the indication that Claims 71-77 and 88-95 would be allowable if written in independent form, with no change in scope. The latter claims have not been so rewritten because, for the reasons given below, their respective base claims are believed to be in condition for allowance.

Claims 97, 98 and 143 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, on the ground that each recites a signal, which in the Examiner's view is merely an abstract idea. This rejection is respectfully traversed.

Because they are dependent from other claims that have not been rejected as non-statutory, and Claims 97 and 98 therefore incorporate all the recitations of those statutory claims, it is submitted that these rejected claims also should be deemed statutory.

Moreover, while Claim 143 is it self directed to a signal, that signal is recited as conveying processor implementable instructions to effect certain actions. Contrary to the statement in the Office Action, it is believed clear that a signal is indeed physical. A signal is, and must be, physically embodied in some fashion in order to exist. For example, a signal might be modulated electromagnetic radiation, which is certainly physical, or a modulated voltage being propagated over a wire, also certainly a physical phenomenon, and not mere an abstraction, as asserted in the Office Action. Accordingly, it is requested that this rejection be withdrawn.

Claims 10, 11, 69 and 107-143 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. These claims have been carefully reviewed and amended as deemed necessary to ensure that they comply fully with all requirements of Section 112. Accordingly, withdrawal of this rejection is also respectfully requested.

Applicant notes the indication in the Office Action that Claims 10, 11, 69 and 107-141 would be allowable if amended to overcome the rejection under 35 U.S.C. § 112, second paragraph, and accordingly, these claims are believed to be in condition for allowance.

Claims 70, 78-80, 87, 96, 99, 104-106, 142 and 146 were rejected under 35 U.S.C. § 102(a) as being anticipated by the article entitled “A Fast Matching Method For Color Uncalibrated Images Using Differential Invariants” (Gouet et al.).

Independent Claim 70 is directed to apparatus for generating characterization data characterizing an image, which comprises a data receiver for receiving image data representative of an image, and a feature detector for detecting a plurality of features in an image represented by the received image data. Also provided is a feature

characterizer for characterising detected features. The feature characterizer is arranged, according to Claim 70, to characterize portions of image data representative of regions of an image including features detected by the feature detector, and in particular is arranged to generate characterization data for a region of an image such that the characterization is substantially unaffected by distortions of that region causing stretch and skew.

Gouet relates to a system that generates characterization data at feature points that is invariant to rotations only. Applicant submits that nothing in that article would teach or suggest a feature detector having the characteristics recited for that element in Claim 70.

Independent Claims 87, 104-106 and 146 also each refer to the generation of characterization which is substantially unaffected by distortions “causing stretch and skew”.

Since *Gouet* is limited to generating characterization data invariant to rotations, there is nothing in this document suggesting how characterization data invariant to distortions causing stretch and skew can be generated, and those claims are also deemed clearly allowable over that article.

A review of the other art of record has failed to reveal anything which, in Applicant’s opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of

the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Leonard P. Diana", written over a horizontal line.

Leonard P. Diana
Attorney for Applicant
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 449100v1